

In the
Indiana Supreme Court



In re MORTGAGE FORECLOSURE
BEST PRACTICES

) Cause No. 94S00-1101-MS-3
)

ORDER SEEKING PUBLIC COMMENT ON PROPOSED "MORTGAGE
FORECLOSURE BEST PRACTICES"

In 2010, a task force comprised of Indiana trial court judges, attorneys for both creditors and debtors, academic experts, attorneys from the Office of the Indiana Attorney General, and attorneys and staff from the Indiana Supreme Court's Division of Supreme Court Administration created a statement of "best practices" for mortgage foreclosure cases. This advisory, "Mortgage Foreclosure Best Practices," was distributed to all trial court judges throughout Indiana and posted on the Supreme Court's website on January 3, 2011. That same day, the Attorney General of Indiana, Gregory F. Zoeller, filed a petition asking the Court to promulgate an order requiring all Indiana trial courts to observe and enforce the Mortgage Foreclosure Best Practices. On January 13, 2011, the Indiana Bankers Association and Indiana Mortgage Bankers Association, by counsel, filed a petition requesting guidance of the proper procedure for participation in this matter.

Having considered the petitions of the Attorney General and the Indiana Bankers Association and Indiana Mortgage Bankers Association and being duly advised, the Court determines as follows:

(1) The Court invites public comment on the substantive content of the Mortgage Foreclosure Best Practices list and upon whether all or some of the Mortgage Foreclosure Best Practices should be promulgated as rules or remain advisory only. The Mortgage Foreclosure Best Practices and the Attorney General's petition in this matter may be found at <http://www.in.gov/judiciary/admin/mortgage/>.

(2) The Comment period shall run from the date of this order through **May 30, 2011**. During that time period, Comments should be filed with the Clerk of this Court under the above-referenced cause number pursuant to Appellate Rule 23(A). An original and eight (8) copies should be tendered.

(3) Comments should contain the above-stated caption and be entitled "Comment on Mortgage Foreclosure Best Practices by [name of commenter]". Comments should be limited to ten (10) pages or less and follow the form requirements found in Appellate Rules 43(B) – 43(G). Comments need not contain a certificate of service, but the final page should contain the signature of the commenting party as well as the party's name, business address, telephone number, electronic mail address, and bar number (if tendered by an attorney).

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit and superior court in the state of Indiana; the Attorney General of Indiana; the Indiana Judicial Center; the Indiana Bankers Association; the Indiana Mortgage Bankers Association; Christine M. Jackson; Michael Feiwell; Stephen Foutty; the Hon. Nancy E. Boyer; the Hon. Cynthia J. Ayers; the Hon. David Dreyer; the Hon. Louis Rosenberg; the Hon. David Happe; the Hon. Diane Schneider; the Hon. William Davis; the Hon. Jenny Manier; Jennifer Weber; David Pesel; Marcy Wenzler; Joseph Zielinski; Professor Judith Fox; Professor Alan White; Jeffry A. Lind; Lilia Judson, Executive Director of the Division of Supreme Court Administration; Elizabeth Daulton; David J. Remondini; Theodore F. Smith, Jr., Chairperson of the Indiana Supreme Court Committee on Rules of Practice and Procedure; Kathryn Dolan, Supreme Court Public Information Officer; and the Supreme Court Administration Office. The Clerk is also directed to post this order to the Supreme Court's website.

DONE at Indianapolis, Indiana this 23rd day of February, 2011.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.